

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDWARD DEMBINSKI, CHARLES  
GLASER, and YVONNE CARDINAL, on  
behalf of themselves and a similarly situated class,

Case No. 2:08-cv-10355

Plaintiffs,

Judge Marianne O. Battani  
Magistrate Judge Steve R. Whalen

v.

KERR CORPORATION,

Defendant.

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**STIPULATED ORDER TO CERTIFY A CLASS**

At a session of said Court held in the United States District Court, Eastern District of Michigan, on October 29, 2008.

Present: MARIANNE O. BATTANI  
United States District Judge

This matter having come before the Court upon stipulation of the parties, and

WHEREAS, on October 1, 2008, the Plaintiffs filed a motion for class certification;

WHEREAS, the parties have conferred and agreed to certify a class under the following conditions:

1. The class shall be defined as:
  - a. All hourly retirees of Kerr Corporation who were covered by a series of collective bargaining agreements between Kerr and the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) and UAW Local 174, who retired on or before August 1, 1995, who were covered by a health insurance plan offered by Kerr after his or her retirement, and who
    - (a) retired on a disability retirement; (b) retired at or after age 62; or
    - (c) elected early retirement prior to the age of 62; and
  - b. All surviving spouses of all hourly retirees of Kerr Corporation who were covered by a series of collective bargaining agreements between Kerr and the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) and UAW Local 174, who retired on or before August 1, 1995, who were covered by a health insurance plan offered by Kerr after his or

her retirement, and who (a) retired on a disability retirement; (b) retired at or after age 62; or (c) elected early retirement prior to the age of 62.

2. The class shall be certified under Federal Rules of Civil Procedure Rule 23 (b)(2).

3. Plaintiffs' counsel is appointed as class counsel.

4. The parties agree that by stipulating to the certification of the class as described in parts 1(a) and 1(b) above, Defendant does not waive its right to raise any defenses to the claims in this matter, including, but not limited to, arguments that Plaintiffs and/or class members failed to properly exhaust administrative and/or contractual remedies prior to bringing this lawsuit and, as such, their claims should be dismissed, and/or arguments that the language in various collective bargaining agreements, plan documents, and summary plan descriptions applied differently to various Plaintiffs and/or class members and, as such, their claims should be dismissed; nor do Plaintiffs or class members waive any rights to assert the validity of their claims in this matter or to oppose any defenses asserted by Defendant, including, but not limited to, the defenses mentioned above.

For the reasons set forth above, the prerequisites of Fed. R. Civ. P. 23(a) having been satisfied, and the Court being otherwise fully advised in the premises, IT IS HEREBY ORDERED that the class defined in parts 1(a) and (b) above is certified under the conditions identified in parts 2 through 4 above.

s/Marianne O. Battani  
Marianne O. Battani  
United States District Judge

Approved as to form and content:

/s/ John Canzano (with permission) Dated: October 26, 2008

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